



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

**FROM:** Malcolm Hunt, Director of Planning and Development Services

**MEETING DATE:** August 31, 2009

**SUBJECT:** Report PLPD09-051  
Zoning By-Law Amendment  
303 Brock Street

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 303 Brock Street to permit Transitional Uses of the Central Area as permitted in the Official Plan.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD09-051 dated August 31, 2009, of the Director of Planning and Development Services, as follows:

- a) That Zoning By-Law #1997-123 be amended by adding Special District SP.345 as Section 375 in accordance with Exhibit 'C' to Report PLPD09-051.
- b) That the zoning of the subject property, be amended from the PS.2 – Public Service District to the SP.345 – “H” Special District Commercial in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD09-051.
- c) That the ‘H’ Holding Symbol be removed once Site Plan Approval is granted for the subject property.

## **RATIONALE**

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan, 'Central Area' on Schedule 'I' – Commercial Areas and Transitional Uses Area on Schedule 'J' – Central Area Land Use Plan. The proposed SP. 345 zoning district being created for the subject property and potentially other Transitional Uses properties is in compliance with Schedule 'J', the Transitional Uses policies as included in the Central Area provisions of the Official Plan.

The reuse of the existing building and redevelopment of the property to support uses such as business and professional offices, a clinic and/or residential unit(s), introduces transitional uses for lands outside of the commercial core, compatible with surrounding residential and public service uses.

The proposed rezoning will introduce a list of permitted uses that implement the Central Area Transitional Uses policies of the Official Plan.

The proposed redevelopment of the property includes the introduction of additional parking and walkways as well as additional landscaping and a retaining wall will be subject to site plan approval.

## **BUDGET AND FINANCIAL IMPLICATIONS**

There are no budget or financial implications arising out of the adoption of this recommendation.

## **BACKGROUND**

The subject application was received on April 20, 2009 proposing an amendment to the Zoning By-Law to add residential and clinic, office and personal service commercial uses to the current list of public service uses permitted on the subject lands. Further to the initial submission, the applicants have proposed an expanded list of uses including a pharmacy, a bank or loan company, other financial institution, an antique shop and a studio or craft workshop.

The property has been used to support a retirement home (Hillstead Manor) for approximately 20 years. The existing building is currently vacant, and the owner has requested an amendment to the list of permitted uses in order to reuse the existing building for more commercial purposes. In addition, the application seeks permission to use the property for residential uses, supporting a mixed use development.

Several Minor Variances have been granted to permit the current building with up to twenty suites (retirement home) and one nurse's residence. Conditions imposed by a minor variance granted in 2007 by the Committee of Adjustment to permit a second storey addition, remain outstanding. The property owner has indicated that he is willing to work with the City through the Site Plan Approval process to address the matters, including:

- a) removal of a portion of the garage to ensure a building separation of 2.7 metres from the south lot line;
- b) a comprehensive review and update of the Site Plan Agreement for the property with respect to the parking, stormwater management and landscaping including the removal of vegetation and restabilization of the embankment along the east lot line and the establishment of 2.7 metres of landscaped open space along the south lot line in place of that portion of the garage and asphalt in front of the garage to be removed to the boulevard; and
- c) The roof over the second storey addition have cottage or hip style design in relation to the south and east side lot lines.

The application has been submitted together with a concept plan, illustrating proposed improvements to the property, including the introduction of eight parking spaces in the northeast corner of the property, to be accessed by an existing public laneway, adjacent to and serving residential properties along Rubidge Street and Stewart Street. A new wood retaining wall and concrete walkway are proposed to be constructed within the property, to facilitate the creation of the parking spaces and to address the grading of the property, and a new landscaped area is illustrated at the south east corner of the property.

The property is currently challenged with regard to parking. The concept plan illustrates a total of 10 parking spaces, consisting of 2 barrier free spaces along Rubidge Street and 8 spaces along the laneway in the rear. The application further seeks a reduction of the City's parking standards from a minimum of 1.5 spaces per residential dwelling unit to 1 space per dwelling unit. A mixed use of the existing building, consisting of office uses on the ground floor and residential above, would be feasible with a reduced parking ratio assigned to residential units within the building.

## ANALYSIS

### a) Official Plan

The lands are currently designated "Commercial" on Schedule 'A' – Land Use of the City of Peterborough Official Plan. The lands are included in the Central Area on the Commercial Areas Schedule 'I' and identified as a 'Transitional Uses Area' on the Central Area Land Use Plan – Schedule 'J'.

The planned function of the Central Area is to serve the City and surrounding region with business and professional offices in addition to retail, entertainment, culture and recreation facilities, tourism and hospitality, some service commercial uses and government, institutions, residential and community uses.

The Central Area is further subdivided into sub areas with unique ranges of land use appropriate for each area. The property at 303 Brock Street is subject to the Transitional Uses policies included in Sub-Area 5 (Section 4.3.2.2.6) of the Official Plan. These lands are intended to provide a transition between the Commercial Core and Waterfront Area and the residential areas outside of the Central Area. The policies anticipate that the lands within the transitional sub area, in accordance with sound planning practice, transition to high and medium density residential development, small scale office and studio uses, and home based business activity operating under relaxed zoning regulations. Additional flexibility is provided at the edge of the Commercial Core and Waterfront Commercial Areas, to also include small scale specialty retail and hospitality uses such as small scale restaurants and inns. The proposed rezoning of the property implements the uses contemplated by these Transitional Uses policies of the Official Plan.

The neighbourhood is characterized by a combination of institutional and low and medium density residential units. The location of the property within proximity to the core, and along a low capacity arterial road, provides an opportunity to integrate alternate uses through zoning amendment.

The subject property currently supports a two storey building with a one storey garage and formerly used as a retirement home. The current parking is limited to two small asphalt parking areas, accessible from Rubidge Street and Brock Street. The applicant intends to improve the parking on site and provide additional landscaping and walkways from the parking areas to the entrance.

## **b) Zoning By-law**

The subject property is currently zoned PS.2 – Public Service District, permitting a range of institutional and open space uses. The property has been used as a ‘home for the aged’ for more than 20 years under the existing zoning of the site. Several Minor Variances have been granted to permit the expansion of the ‘home for the aged’.

Permitted uses under the existing zoning include:

- (a) a park
- (b) an indoor swimming pool
- (c) an arena, skating or curling rink
- (d) a recreation centre
- (e) a library
- (f) a day nursery
- (g) a firehall
- (h) an ambulance station

- (i) a public utilities installation
- (j) a museum or art gallery
- (k) a public administration establishment
- (l) a police station
- (m) a school
- (n) a hospital
- (o) a nursing home
- (p) a home for the aged
- (q) a group home
- (r) a monastery, convent or religious establishment
- (s) a church
- (t) a place of assembly

The applicant has requested a zoning by-law amendment to rezone the property to permit a range of new uses in addition to some of the above noted uses, and in keeping with the Transitional Uses policies of the Official Plan.

The SP. 345 zoning district is proposed to implement the Transitional Uses policies of the Official Plan. The subject lands are located in an area within close proximity to the Commercial Core and used primarily for public use and residential purposes. The introduction of some commercial uses within these established neighbourhoods must be compatible with the surrounding area and respect the continuation of the existing uses, while recognizing that, over time, the area is transitioning to a mix of uses. The application proposes commercial uses that will introduce an intensity to the site, not supportable due to the limited parking and the fit with the surrounding neighbourhood. In an effort to ensure compatibility with the existing neighbourhood, Planning Staff recommend the deletion of a pharmacy, an antique shop, and a bank, loan company or other financial institution.

The recommended uses for the SP. 345 District are as follows:

- (a) a dwelling
- (b) a multi-suite residence
- (c) an office, excluding a veterinary office
- (d) a clinic
- (e) a personal service use
- (f) a bed and breakfast establishment
- (g) an art studio or craft workshop
- (h) an art school, music school, dance school or fine arts school
- (i) a nursing home
- (j) a group home
- (k) a museum or art gallery

While the list of permitted uses have been refined from the application to those more consistent with the Transitional Uses Sub Area, the applicant has requested that the new zoning district continue to permit a limited number of the existing public service uses. Staff do not have any concerns with these use continuing on the subject property.

Further, an 'H' – Holding Provision is being applied to the zoning for the subject property, which would be removed upon approval of a Site Plan to address the required changes to the property related to parking, landscaping, stormwater management, etc.

**c) Site Development**

The applicant has provided a Site Plan for the existing development of the property, illustrating the existing building coverage of approximately 38% and a combination of driveway and parking area representing approximately 18% of the lot area. The landscaped area represents approximately 44% of the total lot area.

Site Plan Approval will be required to formalize the new parking layout and to reflect the new retaining wall, concrete walkways and landscaping, as well as any stormwater management controls for the property.

## **RESPONSE TO NOTICE**

**a) Significant Agency Responses:**

Agency circulation was issued on June 25, 2009.

No agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

**b) Summary of Public Responses:**

Notice of Complete Application was issued on June 12, 2009 by newspaper advertisement (Peterborough Examiner) and on June 25, 2009 by direct mail. Notice of Public Meeting was issued on August 8, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner). The notices comply with the requirements of the Planning Act.

No public written responses were received as a result of the circulation.

Submitted by,

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Malcolm Hunt, Director,  
Planning and Development Services

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Ken Hetherington,  
Manager of Planning

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Attachments:

Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C - Draft Zoning By-law

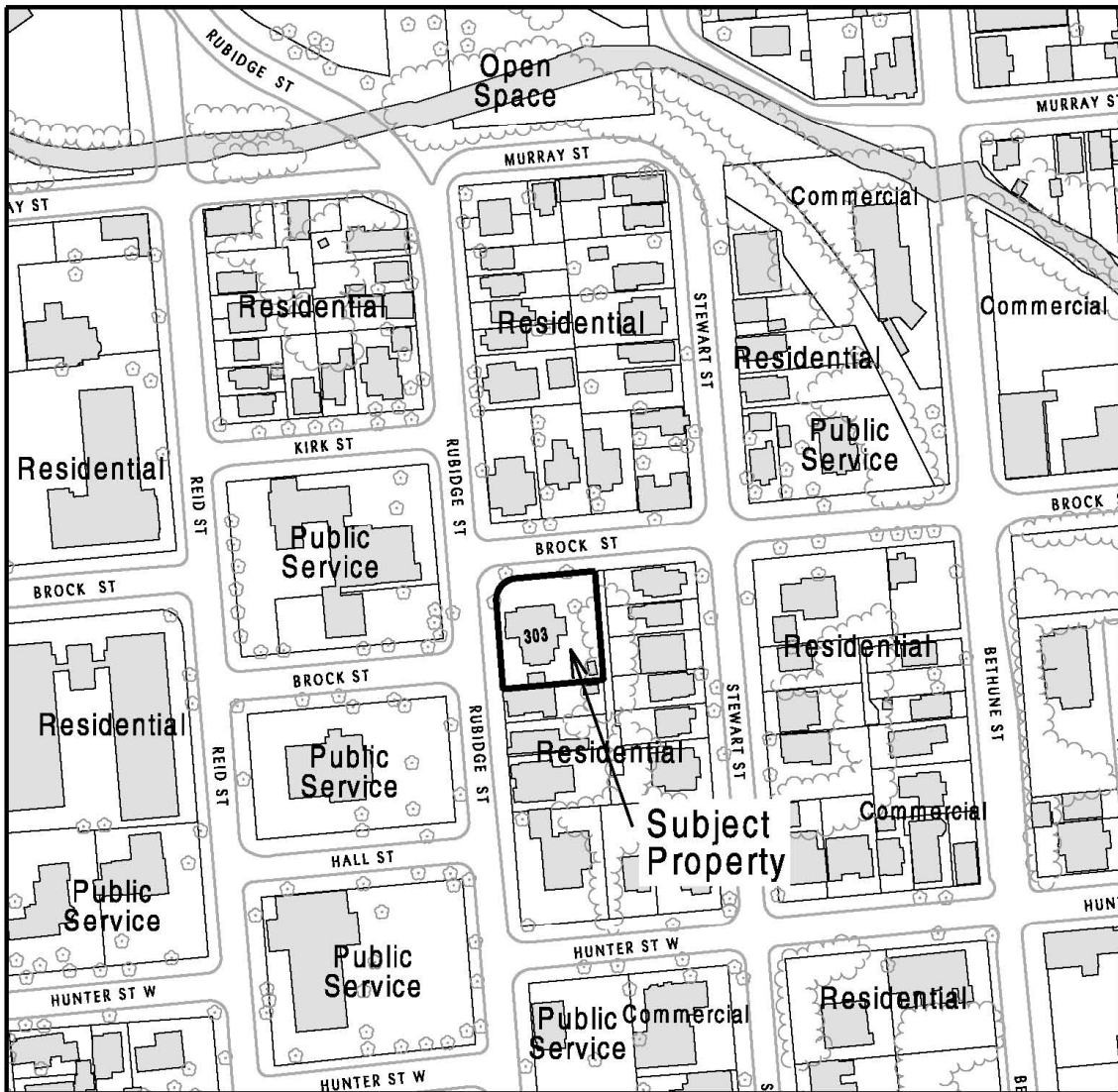
# Land Use Map

File # Z0909

Property Location: 303 Brock St



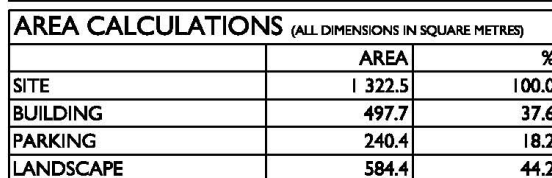
**EXHIBIT 'A'**  
**PAGE 1 OF 1**  
EXHIBIT  
**SHEET OF**



The City of Peterborough Planning Division

Date - June 4, 2009  
Dwg. by - K Muma  
Scale - 1:2000

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SCALE: 1"=25'

**SIMON  
TERRY  
DESIGNS** No. 768-8804

**EXHIBIT 'C'**  
**PAGE 1 OF 3**

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 09- \_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING FOR 303 BROCK STREET**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:

1. By-Law 1997-123 is amended by adding Section 375 as follows:

**“SECTION 375**

**SPECIAL DISTRICT 345 (SP.345)**

375.1 For the purpose of this by-law, land use district “Special District 345” hereby established and may be referred to as the symbol “SP.345”.

**PERMITTED USES**

375.2 No person shall within any SP.345 District use any land or erect, alter or use any building or part thereof for any purpose other than:

- (a) a dwelling
- (b) a multi-suite residence
- (c) an office, excluding a veterinary office
- (d) a clinic
- (e) a personal service use
- (f) a bed and breakfast establishment
- (g) an art studio or craft workshop
- (h) an art school, music school, dance school or fine arts school
- (i) a nursing home
- (j) a group home
- (k) a museum or art gallery

**REGULATIONS**

375.3 No person shall within any SP.345 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations;

Type	Requirement
a) minimum lot width	15 metres
b) minimum lot area per dwelling unit	140 square metres
c) minimum building setback - side or rear lot line	1.5 metres or one half the height of the building whichever is the greater
d) maximum building coverage	50%
e) maximum number of storeys	2
f) landscaped open space including a planting strip, having a shall be provided and maintained along a lot line abutting a residential or development district	minimum width of 3 metres or existing.
g) landscaped open space of a shall be provided and maintained along a street line provided that such open space may be interrupted by driveways	minimum width of 1.5 metres or existing

375.4 SP.345 District is hereby designated as a commercial district.

2. Map 12c forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" **from PS.2 to SP.345 – "H"**.

3. The "H" – Holding Symbol will be removed from the Zoning By-Law upon Site Plan Approval being granted for the subject property.

By-law read a first, second and third time this                      day of                      , 2009.

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D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk

